

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AEL FINANCIAL, LLC, an Illinois
limited liability company

Plaintiff

v.

TRI-CITY AUTO SALVAGE, INC. a
North Carolina corporation and Michael P.
Guarglia, an individual

Defendants/Third-Party Plaintiffs,

v.

CAPITAL 4, INC., a Texas corporation,
ISHMAEL VILLA-LOBOS,
P. DAVIS DAWSON, and
METROPARK COMMUNICATIONS,
INC., a Missouri corporation,

Third-Party Defendants.

Case No. 08 CV 4384

Judge: Kendall

Magistrate Judge: Mason

**PLAINTIFF'S UNOPPOSED MOTION TO EXTEND THE TIME TO RESPOND TO
DEFENDANTS' ANSWER, AFFIRMATIVE DEFENSES & COUNTERCLAIMS**

Plaintiff, AEL Financial, LLC, an Illinois limited liability company ("AEL"), respectfully move the Court for a twenty-eight (28) day extension of time to respond to Defendants' Answer, Affirmative Defenses and Counterclaims, which is currently due on August 26, 2008. By this motion, Plaintiff request that its response to Defendants' Answer, Affirmative Defenses and Counterclaims be extended until September 23, 2008. In support of this motion, Plaintiff state as follows:

1. On June 18, 2008, AEL filed a Verified Complaint at Law against Defendants, Tri-City Auto Salvage, Inc., a North Carolina corporation, and Michael P. Guarglia, an individual (collectively, the “Defendants”), for breach of contract and personal guaranty with the Circuit Court of Cook County, Illinois (3rd Municipal District) as Case No. 08 M3 2241.

2. On or about August 1, 2008, Defendants filed a Notice of Removal to this Court, pursuant to 28 U.S.C. § 1446.

3. On August 6, 2008, Defendants filed its Answer, Affirmative Defenses, Counterclaims and Third-Party Complaint.

4. Pursuant to Fed. R. Civ. P. 12(a)(2), “The plaintiff shall serve a reply to a counterclaim in the answer within twenty (20) days after service of the answer...”, or by August 26, 2008.

5. Plaintiff requests a twenty-eight (28) day extension of time, or until September 23, 2008, to respond to Defendants Answer, Affirmative Defenses and Counterclaims.

6. Counsel for Plaintiff makes this request due to other previously scheduled business and personal commitments.

7. Plaintiff does not make this motion for purposes of delay, but rather to effectuate a just, speedy and inexpensive conclusion of this action.

8. Granting the requested extension will not affect any deadlines (discovery deadlines or a trial date), as the Court has not yet set any such dates or deadlines.

9. Defendants’ counsel, Carlos E. Mahoney, Esq., has indicated to Plaintiff’s counsel that Defendants do not object to the relief sought in this motion.

Dated: August 19, 2008

Respectfully submitted,

AEL FINANCIAL, LLC, an Illinois limited
liability company

By: /s/ John A. Benson, Jr. _____
One of its Attorneys

Brian Ira Tanenbaum, Esq. (IL Bar No. 6181447)
John A. Benson, Jr., Esq. (IL Bar No. 6289042)
Attorneys for Plaintiff
The Law Offices of Brian Ira Tanenbaum, Ltd.
2970 Maria Avenue, Suite 207
Northbrook, IL 60062
Telephone: 847-562-1636
Facsimile: 847-562-1637

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of August, 2008, a true and correct copy of the Plaintiff's Unopposed Motion to Extend the Time to Respond to Defendants' Answer, Affirmative Defenses and Counterclaim was served by electronically filing it on the Court's PACER system and by US Mail upon the following:

Mr. Carlos E. Mahoney
Glenn, Mills, Fisher and Mahoney, P.A.
Suite 709, Southbank Building
400 West Main Street
Durham, NC 27701

Robert S. Bell, Jr.
Law Offices of Cary J. Collins, P.C.
2200 Wet Higgins Rd, Suite 155
Hoffman Estates, IL 60195